

WIGDOR LLP

ATTORNEYS AND COUNSELORS AT LAW

85 FIFTH AVENUE
NEW YORK, NY 10003
TEL 212.257.6800
FAX 212.257.6845
WWW.WIGDORLAW.COM

David E. Gottlieb
dgottlieb@wigdorlaw.com

February 6, 2023

VIA EMAIL

Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl St., Courtroom 15D
New York, NY 10007-1312

Re: Jane Doe v. Columbia University in the City of New York, *et al.*;
Civil Case No. 22-cv-10340

Dear Judge Torres:

We represent Plaintiff Jane Doe (“Plaintiff”) in the above-referenced matter and write jointly with Defendants Columbia University in the City of New York and the New York and Presbyterian Hospital (“Defendants”) to submit this joint letter and a jointly proposed Case Management Plan and Scheduling Order (attached as Exhibit A) in accordance with Rule 16 of the Federal Rules of Civil Procedure and consistent with the Court’s initial pretrial scheduling order dated December 12, 2022.

I. Description of the Nature of the Action

A. Plaintiff’s Description:

Plaintiff was repeatedly sexually assaulted by Robert Hadden (“Hadden”), then an OBGYN physician working for Defendants, over a period of more than 10 years spanning from approximately 1999 to 2012. Despite being on express written notice of Hadden’s sexual abuse of patients as early as 1994, Defendants permitted Hadden to remain in his position of power and authority to continually abuse hundreds of patients including but not limited to Plaintiff Jane Doe. Hadden’s abuse of Plaintiff included, *inter alia*, oral-vaginal touching; non-clinical digital-vaginal and digital-anal penetration; serial, prolonged and non-clinical breast examinations; unnecessary appointments and procedures scheduled for the purposes of engaging in sexual assaults; and numerous inappropriate and unwelcome sexually-charged directives, remarks and advice. Hadden was initially arrested for this form of conduct towards numerous patients in 2012 and ultimately plead guilty in state court in 2016. Hadden was again indicted in 2020, this time in the Southern District of New York, and was convicted in a federal criminal trial on January 24, 2023, of

WIGDOR LLP

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Hon. Analisa Torres
February 6, 2023
Page 2

enticing and inducing patients (including Plaintiff Jane Doe) to travel across state lines for the purpose of engaging in unlawful sexual abuse and is awaiting sentencing.

Plaintiff asserts claims for (i) Negligence, and violations of (ii) the Gender Motivated Violence Act, *N.Y.C. Admin. Code* § 8-901 *et seq.* (“GMVA”), (iii) the New York State Human Rights Law (“NYSHRL”), *N.Y. Exec. Law* § 290 *et seq.*, (iv) the New York City Human Rights Law (“NYCHRL”), *N.Y.C. Admin. Code* § 8-101 *et seq.* and claims for (v) Assault and/or Battery and (vi) Intentional and/or Negligent Infliction of Emotional Distress. All claims asserted are timely under the Adult Survivor’s Act, *Civil Practice Law & Rules* §214-j (“ASA”).

B. Defendants’ Description¹:

Defendants deny Plaintiff’s claims that Defendants permitted or condoned any alleged misconduct by Hadden and that they had notice of any such misconduct. Defendants have no liability for the alleged acts. The alleged intentional acts by Hadden are outside the scope of his employment. Further, several of Plaintiff’s claims are not properly asserted against the institutional defendants, are impermissibly duplicative of other claims, or are otherwise not properly brought.

II. Contemplated and/or Outstanding Motions

Currently, there are no outstanding motions. Plaintiff anticipates filing a motion for summary judgment following the conclusion of discovery. Defendant may file a motion for summary judgment or to dismiss certain claims at the conclusion of discovery.

III. Prospect for Settlement

The parties have engaged in extensive settlement discussions which have been unsuccessful to date.

We thank Your Honor for the Court’s time and consideration of this matter.

Sincerely,



David E. Gottlieb

Encl.

¹ The University and Hospital note that they appeared before Magistrate Judge Katharine H. Parker last year in a related matter, Civil Case No. 22-cv-01340. The University and Hospital respectfully request that Magistrate Judge Parker, if available, be considered for the present litigation due to her familiarity with the facts of the case.